

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KYLE GRANT, individually and on behalf of
other persons similarly situated who were
employed by WARNER MUSIC GROUP
CORP. and ATLANTIC RECORDING
CORPORATION,

Plaintiff,

Case No. 13 Civ. 4449 (PGG)

-against-

WARNER MUSIC GROUP CORP., and
ATLANTIC RECORDING CORPORATION,

Defendants.

DECLARATION OF IOANNIS FAGKRIDAS

I, Ioannis Fagkridas, state as follows:

1. I am over the age of eighteen and a resident of the State of New York. I make this Declaration based upon my personal knowledge, and/or my review of documents maintained in the regular course of business, except where explicitly noted. I make this Declaration voluntarily, knowing that it may be used in legal proceedings. Before signing this Declaration, I reviewed it completely and carefully for accuracy, and made any changes that were necessary to make it accurate.

2. I have been employed by Warner Music Group Corp. ("WMG") since June 2010. Since August 2013, I have been employed by WMG as a Talent Acquisition Recruiter, a position in which my principal responsibility is to recruit non-exempt and temporary employees.

3. I commenced employment with WMG as a Human Resources Coordinator and was later promoted to Human Resources Specialist. In both of these roles, my primary responsibility was to administer various aspects of WMG's internship programs.

4. WMG is one of the world's major music-based content companies. Via its various subsidiaries, affiliates, record labels and sub-labels, WMG is engaged in two core businesses: Recorded Music and Music Publishing.

5. WMG has many subsidiaries and/or affiliates, made up of various record labels (including Asylum, Nonesuch, and Rhino), music publishers (such as Warner/Chappell Music), artist service businesses (involving services such as artist management, merchandising, touring, fan clubs, VIP ticketing, sponsorships and brand endorsements) and sales and marketing arms (such as Warner/Elektra/Atlantic Corp.). Each of these different entities has a multitude of different departments housed within them, including Artist & Repertoire ("A&R"), Marketing, Publicity, Art, Sales, New Media, Finance, Information Technology, and Human Resources.

6. WMG's corporate headquarters are located at 75 Rockefeller Plaza, New York, New York, and this is where the majority of its New York interns are assigned.

7. WMG has offices at West 54th Street in New York, New York.

8. Under my direction and supervision, Human Resources personnel reviewed WMG business records containing certain information regarding participants in WMG's internship programs nationwide ("Interns") between June 27, 2010 and the present (the "Relevant Period").

9. Human Resources personnel identified 2,948 Interns who have engaged in Defendants' internship programs nationwide during the Relevant Period. Each of these 2,948 Interns participated in an internship in one of seven different states nationwide in which WMG

and/or one or more of its subsidiaries and affiliates have facilities: California, Georgia, Florida, Minnesota, New York, Tennessee, and Utah. Besides being geographically dispersed, each of these 2,948 interns was assigned to one of at least 18 different WMG subsidiaries and/or affiliates (including, for example, Atlantic, Alternative Distribution Alliance, Artist Arena, Fueled by Ramen, Nonesuch, Rhino, Roadrunner, Ryko, and Word), and to one of the hundreds of different departments and/or sub-labels within those various subsidiaries and/or affiliates.

10. Since June 2010, no interns have been assigned to any location in Illinois.

11. The number of interns in Defendants' internship programs over the past three years has remained generally constant. For example, Defendants hosted 841 interns nationwide between June 2010 and June 2011; they hosted 821 interns nationwide between June 2012 and June 2013.

12. It is not WMG's policy or practice to replace paid employees with interns.

13. I am not now, and I never have been, employed in the Human Resources Department of Atlantic Recording Corporation ("Atlantic").

14. Atlantic administers many aspects of its internship program separately from WMG's internship program. For example, as a member of WMG's Human Resources Department, I recruited interns for various WMG subsidiaries, affiliates, and locations, but not for Atlantic in New York. Recruitment of interns for Atlantic in New York is instead handled by members of Atlantic's HR Department. Additionally, while I served as the principal Human Resources liaison for interns in most of WMG's subsidiaries, affiliates, and locations, I did not serve as the Human Resources liaison for Atlantic interns in New York; that function was performed by members of Atlantic's Human Resources Department.

15. To participate in an internship with WMG, an individual must be enrolled in school and must be registered with their school to receive credit for the internship. Moreover, each prospective intern's school must submit a "Letter of Credit" to WMG to confirm that the student is enrolled in a credit program or course through which they are registered to receive credit for their internship with WMG. Thus, to participate in WMG's internship program, an applicant to the program must confirm his or her enrollment in an academic program or course through which they will obtain academic credit for the internship; it is not sufficient for an intern to demonstrate merely that he or she is eligible for an internship. Attached as Exhibit A is a WMG business record that explains the Letter of Credit requirement for prospective interns.

16. Letters of Credit were submitted to WMG by the schools at which Kyle Grant ("Grant"), Samuel Westerkon ("Westerkon"), and Justin Henry ("Henry") were enrolled, attesting to the fact that each of them was registered for a course that provided academic credit in connection with their internship. Attached as Exhibit B are the Letters of Credit that were submitted to WMG on their behalf.

17. Grant interned in the Promotions Department in New York for WMG subsidiary Warner Bros. Records Inc. ("WBR") during the Spring 2013 semester. At the time, he was enrolled at the College of New Rochelle ("CNR"), and he was required by CNR to complete 200 hours of on-site internship activities in order to earn the four credits allotted by CNR for his internship. Grant's internship supervisor was Promotions Assistant Darnel Joseph ("Joseph").

18. Evan Brieff ("Brieff") also interned in WBR's Radio Promotions Department in New York, during the Fall 2012 semester. Like Grant, Brieff was supervised during this internship by Joseph. Brieff interned for WBR again during the Spring 2013 semester, in WBR's Video Department in New York, where his intern supervisor was Elizabeth Haller. At

the time of his internships, Briefff was a student in the Communication and Media Department at SUNY New Paltz, majoring in Media Management. Attached as Exhibit C are the two Letters of Credit that were submitted to WMG in connection with Briefff's internships.

19. Westerkon interned in Atlantic's Digital Media Department in New York during the Summer of 2012. He was then a finance and marketing double major at the University of Delaware, and he interned in connection with a 3-credit course called "Business Administration in Practice."

20. Henry was an intern in Atlantic's A&R Department in New York during the Spring 2008 semester. He was then a student at Long Island University-Brooklyn Campus.

21. Certain policies and procedures applicable to interns vary by WMG subsidiary or affiliate, and by location. For example, some of Atlantic's California interns have received a company garage parking card for their use in the course of their internship. Additionally, interns in some of WMG's subsidiaries and affiliates (including Atlantic) have been eligible at times to receive a travel stipend to defray their out of pocket transportation expenses. For example, Westerkon and Henry were eligible to receive travel stipends, while Grant and Briefff were not. Stipend records for Westerkon and Henry are attached as Exhibit D. By way of further example, interns assigned to one of WMG's subsidiaries (Warner/Chappell Music, Inc.) at one specific location (California) have been required to complete "intern timesheets" and to submit those time sheets to HR at the end of each week of their internship, signed by the intern and the intern's manager.

22. There is no standardized description of intern duties at WMG. To the contrary, the specific activities engaged in by interns varies widely depending on the intern's assigned WMG subsidiary or affiliate, department, and supervisor(s).

23. Many WMG interns are assigned one or more "special projects" during the course of their internship. These projects are uniquely tailored to the individual intern's course of study and interests, and are designed to be completed over the course of the semester-long internship based on the skills they develop.

24. Interns are invited to participate in a variety of educational and social events in the course of their internship. These special events vary by both the corporate entity and the location to which interns are assigned. For example, I organized intern events to which all New York interns were invited, while Atlantic's HR Department organized other events to which only Atlantic interns were invited.

25. WMG holds an orientation/mixer event for its New York interns at the start of each semester. This event is designed to help interns network while getting answers from members of WMG's Human Resources Department to any questions they might have regarding WMG's internship program. A resume writing workshop is also held for WMG's New York interns each semester, at which lunch is served and WMG's Talent Acquisition Manager (a member of WMG's Human Resources Department whose responsibilities include entry level recruitment) speaks to interns about how to prepare an effective resume. Interns who elect to attend this workshop are given the opportunity to schedule a one-on-one meeting with the Talent Acquisition Manager to discuss their resume. WMG also sponsors guest speaker events for interns each semester, which feature influential guest speakers in the industry and provide valuable networking opportunities for interns. Guest speakers at these events have included Pete Ganbarg, Executive Vice President and Head of A&R at Atlantic; Perry Bashkoff, VP Digital Revenue Development at Warner-Elektra-Atlantic Corporation ("WEA"); Mariana Black, Graphic Designer at WEA; Adam Bacall, VP, Retail Development at WEA; and NARM (a non-

profit trade organization representing the collective voice of the music commerce community for 50+ years). WMG interns are also invited to participate in focus groups which provide them with a forum to share with WMG executives their opinions and feedback on topics and issues related to the music industry.

26. WMG sponsors different events for interns at other locations. For example, WMG interns at the Burbank, California office have the opportunity to attend "Business Speakers Events" (at which WMG executives talk to interns about their career path with WMG, their departmental responsibilities, marketing initiatives, and general career advice), and "Internship Networking Events."

27. From January 2010 to June 2010, I was a graduate intern in WMG's Human Resources Department. At the time, I was a graduate student at New York University, pursuing a Master's degree in Human Resources Management and Development. I earned four academic credits in connection with my internship at WMG.

28. I was one of several interns in WMG's Human Resources Department in New York.

29. I understood prior to commencing the internship that I would not be entitled to wages, salary or any other form of remuneration from WMG in connection with the internship.

30. I chose to participate in WMG's internship program because it provided an opportunity that dovetailed with my academic studies and professional aspirations. In fact, the graduate program I attended at NYU specifically promoted WMG's HR internships to its graduate students. The head of the program at NYU, Dennis Garritan, spoke very highly of the educational opportunities afforded by WMG to its Human Resources interns, as did other

students in the program who had participated in a Human Resources internship with WMG before me.

31. I participated in WMG's internship program for four days a week, typically 7-8 hours a day. The hours of my internship were directly tied to the number of academic credits that I was receiving for the internship. However, I was not required to adhere to a standardized intern schedule. Based on my experience as a WMG intern and my subsequent experience running WMG's internship program, I know there is no standardized schedule of days/hours that WMG interns are required to conform to. While interns are expected by WMG to commit at least 15 hours/week to their internship, the specific days and hours that they commit to the internship depends principally on their academic schedule, personal commitments elsewhere, and preferences and thus, intern schedules vary widely.

32. As a Human Resources intern, I became familiar with the functions associated with a Human Resources Department, including by observing and participating in the recruiting process. I also conducted research in the course of my internship on topics relevant to human resources generally, and I explored means of expanding recruiting through the use of social media.

33. My supervisor during my internship was Terry Kosierowski, Vice President of HR Operations. Ms. Kosierowski was a wonderful intern supervisor. I had constant interaction with her: I sat in very close proximity to her office, and she met with me frequently throughout the day in the course of my internship. She included me in many meetings and gave me the opportunity to meet a number of WMG executives.

34. I had no prior professional experience in human resources, with the exception of a brief Human Resources internship with another company.

35. Before I provided the information for this Declaration, I was asked if I was represented by counsel, which I am not. Before I provided the information in this Declaration, certain information was communicated clearly to me, including that my participation was completely voluntary; that I would not receive any positive employment consequence or other benefit by providing information about my experience as an intern; and that I was free to end the discussion at any time. After hearing and understanding this, I made a voluntary decision to provide the information contained in this Declaration. I am signing this Declaration voluntarily, and not under duress or in exchange for any promise.

I have been given as much time as I felt necessary to read this Declaration, and swear under penalty of perjury that the foregoing facts are based upon my personal knowledge, and that they are true and correct to the best of my knowledge, information and belief.



Ioannis Fagkridas

Dated: New York, New York
February 6, 2014

Exhibit A



warner | music | group

Format
(For advisor/Internship coordinator)

Dear Advisor/Internship Coordinator,

In order for a student to intern at Warner Music Group, their school must provide us a Letter of Credit confirming their enrollment in the credit program/course.

The letter must be printed on the school letterhead with relevant information and signature of the issuing authority. It must be emailed directly to the WMG HR department (as a PDF document) at letterofcredit@wmg.com no later than 3 weeks prior to the student's start date. Please note the name of the student in the subject line of the email (e.g. "Subject: Jason Domingo").

Once the letter is emailed, the original letter can then be sent via snail mail to the address noted below.

Please note that we will not accept a Letter of Credit sent by the student

FORMAT:

Address:
Monica Barrios
Atlantic Records
Human Resources
1290 Avenue of the Americas
24th floor
New York, NY 10104

Required information:

1. Please state the students name, school and major.
2. Please state that the student is enrolled in the credit program/course and is registered to receive credit for this internship. (Please note that the Letter of Credit is different from the Letter of Eligibility which only states a student's eligibility for an internship and does not confirm enrollment)
3. Please state the number of credits the student is receiving for the internship and the semester during which the student will be interning at Warner Music Group
4. Please provide complete contact details of the school representative signing the letter:
Name
Department
Phone
Fax
Email address

Exhibit B

Thursday, January 10, 2013

Mr. Darnel Joseph
Warner Brothers

Dear Mr. Darnel,

I am writing to inform you that Mr. Kyle Grant will be registering for a 4 credit internship at your organization for the Spring, 2013 semester. The code is COM 495 A RDA. The semester is 18 weeks long. Mr. Grant is to complete 200 hours of on-site internship activities to be completed with you and Mr. Bekoe from the Rosa Parks Campus.

If you require any additional information, please do not hesitate to contact me.

Dr. Louis deSalle
Associate Dean for Career Development
and Instruction



Alfred Lerner College
of Business & Economics
UNDERGRADUATE ADVISING
& ACADEMIC SERVICES

Office of the Dean
102 Purnell Hall
Newark, DE 19716
Phone: 302-831-4369
Fax: 302-831-0708
Email: lerner-advisc@udel.edu

May 11, 2012

To Whom It May Concern:

The purpose of this letter is to certify that Sam Westerkon will receive college credit for his summer internship experience with Atlantic Records/Warner Music Group. In particular, Sam is enrolled in my 3-credit course, BUAD 364: Business Administration in Practice. This course requires the completion of a written project related to the internship.

Sam is a finance and marketing double major at the University of Delaware. He is on track to graduate in the spring of 2013.

If you need further information or verification from me, please don't hesitate to call (302-831-4369).

Sincerely,

A handwritten signature in cursive script that reads 'Jennifer Gregan-Paxton'.

Jennifer Gregan-Paxton
Associate Professor of Marketing
Senior Administrative Academic Advisor

**LONG ISLAND
UNIVERSITY**

BROOKLYN CAMPUS

1 University Plaza • Brooklyn, New York 11201-5372

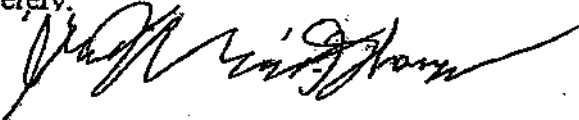
November 14, 2007

To Whom It May Concern:

This letter is to verify that Justin Henry is a student at Long Island University-Brooklyn Campus and will be interning with your company for the following 2008 Spring semester. Justin Henry will be receiving credit for his internship and has been enrolled at Long Island University since the Spring 2005 semester.

Please feel free to contact me at 646-250-7965 with any questions you might have.

Sincerely,



Jeff Walker-Sherson •
Academic Advisor
Long Island University – Brooklyn Campus

Exhibit C



August 24, 2012

To Whom It May Concern:

We are very pleased that you are considering providing student, Evan Brieff, currently a Media Management major student in the Communication and Media Department here at SUNY New Paltz, with the valuable opportunity to work and learn at your organization during the Fall, 2012 semester.

He will receive six (6) academic college credits for this internship. If you have any questions regarding our internship program or wish to discuss the intern's participation, please feel free to contact me at (845) 257-3462, or E-mail me at miller@newpaltz.edu. I will get in touch with you about midsemester to see how things are going.

Please accept our sincere thanks for your participation in our internship program. We look forward to a continuing relationship with your organization.

Sincerely,

Robert Miller
Internship Coordinator

RM: djf



February 8, 2013

Ioannis Fagkridas
Internship Coordinator
Warner Music Group
Human Resources
75 Rockefeller Plaza – 7th Floor
New York, N.Y. 10019

Dear Mr./Ms. Fagkridas:

We are very pleased that you are considering providing Evan Briefff, currently a student in the Communication and Media Department here at SUNY New Paltz, with the valuable opportunity to work and learn at your organization during the Spring, 2013 semester.

He will receive one (1) academic college credit for this internship. If you have any questions regarding our internship program or wish to discuss the intern's participation, please feel free to contact me at (845) 257-3462, or E-mail me at millerr@newpaltz.edu. I will get in touch with you about midsemester to see how things are going.

Please accept our sincere thanks for your participation in our internship program. We look forward to a continuing relationship with your organization.

Sincerely,

Robert Miller

Robert Miller
Internship Coordinator

RM: djl

Exhibit D

Travel Stipend Record for Summer 2012

This time sheet must be completed by the intern, signed by the supervisor and emailed at internstipends@wmg.com

Name: Samuel Westerkon

Phone: (845) 691-2081

Email: Samwest@udel.edu

Department of internship: Digital media

Business unit/company: ☐ WMG ☐ WEA ☒ ATL ☐ WCM

Start date: 06/04/2012

End date: 08/02/2012

May					
	M	Tu	W	Th	F
1 st -4 th					
7 th -11 th					
14 th -18 th					
21 st -25 th					
28 th -31 st					

June					
	M	Tu	W	Th	F
1 st					
4 th -8 th	✓	✓	✓	✓	✓
11 th -15 th	✓	✓	✓	✓	✓
18 th -22 nd	✓	✓	✓	✓	✓
25 th -29 th	✓	✓	✓	✓	✓

July					
	M	Tu	W	Th	F
2 nd -6 th	✓	✓			
9 th -13 th	✓	✓	✓	✓	
16 th -20 th	✓	✓	✓	✓	
23 rd -27 th	✓	✓	✓	✓	
30 th -31 st	✓	✓			

August					
	M	Tu	W	Th	F
1 st -3 rd			✓	✓	
6 th -10 th					
13 th -17 th					
20 th -24 th					
27 th -31 st					

September					
	M	Tu	W	Th	F
3 rd -7 th					
10 th -14 th					
17 th -21 st					
24 th -28 th					

Supervisor's name: Jeremy kutner +
mike mignano

Supervisor's signature: [Signature]

Date: 7/30/12

HR DEPARTMENT USE ONLY

Total number of days: 38 Amount paid: \$ 171.00

HR approval: [Signature] Date: / /

Intern Travel Stipend Request

For the month of ~~November~~ January

Please complete form and forward to the Human Resources for processing:

Name: Justin Henry

Address: 1380 E. 15th

City, State, ZIP: Brooklyn, N.Y. 11230

Phone: 718-715-8847

Department: A+R

Supervisor: Kenya Simon

Scheduled days: ☒ M ☐ T ☒ W ☐ Th ☒ F

Start Date: January 7th

Last Day: January 30th

Additional days? Yes ☒ No

If yes, list date(s): _____

Intern Signature: [Signature] Date: 1/24/08

Supervisor Approval: [Signature] Date: 1/28/08

HR Approval: _____ Date: _____

For HR use only:

Total Number of Days: _____ Check Request Process: _____

Amount Paid: _____ Check Received: _____